

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MICHAEL E. TACCINO SR
500 CARSKADDON LN #311
KEYSER WV 26726

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

CARRINGTON MORTGAGE SERVICE LLC
599 W. PUTNAM AVE.
GREENWICH, CT 06830

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Complaint for a Civil Case

Case No. PWG 17cv897
(to be filled in by the Clerk's Office)

Jury Trial: ☒ Yes ☐ No
(check one)

FILED _____ ENTERED
LODGED _____ RECEIVED

APR 03 2017
AT GREENBELT
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND
BY AP DEPUTY

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>MICHAEL E TACCINO SR</u>
Street Address	<u>500 CARSKADON LN. #311</u>
City and County	<u>KEYSER MINERAL</u>
State and Zip Code	<u>WEST VIRGINIA 26726</u>
Telephone Number	<u>301 268-2832</u>
E-mail Address	<u>mtacbig@gmail.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<u>CARRINGTON MORTGAGE SERVICE LLC</u>
Job or Title (if known)	<u>CORPORATION</u>
Street Address	<u>500 WEST PUTNAM AVE</u>
City and County	<u>GREENWICH</u>
State and Zip Code	<u>CT 06830</u>
Telephone Number	<u>203-869-1014</u>
E-mail Address (if known)	<u></u>

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

1. 15 USC 1631-AMENDED BY DODD-FRANK TITLE XIV-MORTGAGE REFORM ACT
2. 12 USC 2609 (RESPA)
3. 15 USC 1681 (FCRA)

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* _____, is a citizen of the State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

PLAINTIFF HAD AN ADJUSTABLE RATE MORTGAGE THROUGH NEW CENTURY MORTGAGE THAT WAS ACQUIRED BY THE DEFENDANT. WHEN THE RATE ADJUSTED TO AN AMOUNT THAT THE PLAINTIFF COULD NO LONGER AFFORD, THE DEFENDANT MODIFIED THE LOAN TO AN INTEREST ONLY PAYMENT, WITH A 10 YEAR EXTENSION AND A BALLOON PAYMENT AT THE END. PLAINTIFF APPLIED TO ALLOW INTEREST MODIFICATION IN 2012 THROUGH THE HAMP PROGRAM. DEFENDANT LOST PAPERWORK, REQUIRED DUPLICATE DOCUMENTS CANCELLED THE APPLICATION TWICE REQUIRING PLAINTIFF TO START OVER AGAIN, USED INCORRECT DATA IN DETERMINING ELIGIBILITY AND FINALLY DENIED QUALIFICATION. DURING THIS DELAYED PROCESS THE MORTGAGE WENT INTO ARREARS AND DEFENDANT REPORTED THIS DELINQUENCY TO CREDIT BUREAUS, AND REPEATED THREATENED FORECLOSURE THE DEFENDANT STEERED PLAINTIFF TO A CMS IN HOUSE LOAN TO STOP THE FORECLOSURE THAT WAS SEVERAL PERCENTAGE POINTS HIGHER THAN THE HAMP LOAN THAT INCLUDED THE ACCRUED BACK HIGH INTEREST INTO THE SETTLEMENT, IN 2014.

THE DEFENDANT ALSO INCLUDED AN ESCROW ACCOUNT IN THE NEW LOAN FOR PROPERTY TAXES AND INSURANCE. WHEN THE PLAINTIFF WAS NOTIFIED THAT PROPERTY TAXES WERE IN ARREARS, THE DEFENDANT WAS NOTIFIED IN WRITING OF THE DELINQUENCY THEY RESPONDED DENYING ANY DELINQUENCY AND THAT ALL DISBURSEMENTS WERE MADE ACCURATELY AND TIMELY. HOWEVER WHEN THE PLAINTIFF SOLD THE PROPERTY IN 2016, THE DELINQUENT TAXES, WITH ADDITIONAL INTEREST AND PENALTIES HAD TO BE PAID BY HIM BEFORE SETTLEMENT COULD TAKE PLACE. THE PLAINTIFF FILED A COMPLAINT WITH THE MD. CONSUMER PROTECTION AGENCY TO WHICH THE DEFENDANT RESPONDED WITH FALSE AND DECEPTIVE INFORMATION AND FURTHER LIED TO THE PLAINTIFF THAT ALL PROPERTY TAXES WERE PAID AFTER THEY WERE NOTIFIED IN WRITING OF A DELINQUENCY

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages. For any request for injunctive relief, explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

- ① PLAINTIFF REQUESTS A JUDGEMENT OF \$ 1000.00 FOR ACTUAL COMPENSATORY COSTS ASSOCIATED WITH THE UNPAID PROPERTY TAXES AND MISMANAGEMENT OF ESCROW
- ② PLAINTIFF REQUESTS A JUDGEMENT IN THE AMOUNT OF \$ 4500. FOR ADDITIONAL INTEREST CHARGES PAID DURING THE LOAN MODIFICATION UNTIL THE PROPERTY WAS SOLD THAT WAS INCLUDED BY THE DEFENDANTS PAY OFF AT SETTLEMENT.
- ③ PLAINTIFF REQUEST A JUDGEMENT OF \$ 10,000. IN PUNITIVE DAMAGES FOR DEFENDANT'S MISMANAGEMENT OF THE ESCROW ACCOUNT, UNFAIR AND DECEPTIVE PRACTICES IN HANDLING PLAINTIFF'S MORTGAGE AND THE HARM CAUSED TO PLAINTIFF BY THE DAMAGE TO HIS CREDIT.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.


A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 3/31, 2017.

Signature of Plaintiff

Printed Name of Plaintiff


MICHAEL E. TACCINO SR

(If more than one plaintiff is named in the complaint, attach an additional certification and signature page for each additional plaintiff.)

B. For Attorneys

Date of signing: _____, 20__.

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

Telephone Number

Email Address

